

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

ANDREW TATE AND TRISTAN TATE,

Plaintiffs,

V.

Case No.: 9:23-cv-81150-RLR

Defendants.

**DEFENDANTS' REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM**

On the same day that Defendants filed their Motion for Pseudonym, Mr. McBride appeared on a podcast (“Fresh and Fit podcast”) and publicly attacked and smeared Defendant [REDACTED].¹ Multiple times Mr. McBride said that [REDACTED] has been extorting men for 10 years.² [REDACTED] is currently 22 years old. If this were true, then Mr. McBride would be absurdly claiming that [REDACTED] has been sexually extorting grown men since she was 12 years old. But of course, it is not true. And this is just one example of the many transparently false claims that were made about [REDACTED].

¹ Mr. McBride called Jane Doe “pure evil”, [50:19-20], said she was “a sexual, serial predator,” [52:50-55] and a “criminal” [51:49-51]. See *Tate Strikes BACK! Tate attorney EXPOSES “Victims” LIES*, YOUTUBE (September 8, 2023) <https://www.youtube.com/watch?v=6ZD4Kk-qqWA&t=401s>.

² See e.g. *Tate Strikes BACK!*, *supra* note 1 at 36:54.

Most egregious, was the false and disturbing characterization of the sexual abuse [REDACTED]

[REDACTED] experienced as a child, particularly given the correct information was publicly available.³.

Mr. McBride claimed that [REDACTED] had a “scheme,” while a child, where she would lie about her age on dating apps; then, after having sex with adult men, she would tell them she was underage, and use the threat of prosecution to extort them.⁴ Mr. McBride suggested that [REDACTED]

[REDACTED] used this scheme on the man currently convicted of abusing her as a child. Mr. McBride said she “lied to him about her age,” but also lied to the police and the court about this fact, and as a result the adult abuser is “unjustly” serving “too long” of a prison sentence.⁵ In truth, [REDACTED]

[REDACTED] was sexually abused when she was 15 years old by her 56-year-old yoga instructor. See Exhibit A. He knew exactly how old she was and would pick her up from her childhood home for lessons. *Id.* Further, [REDACTED] is not even the one who went to the police. Instead, her parents noticed the yoga instructor was behaving inappropriately towards [REDACTED] and hired a private investigator. *Id.* The private investigator witnessed this adult man sexually abusing 15-year-old [REDACTED], documented the abuse, and reported it back to [REDACTED]’s parents. *Id.* Then, [REDACTED]’s parents reported this information to the police and the police reviewed the private investigators report. *Id.* Additionally, the police discovered another minor victim of this same predator. *Id.* Ultimately, the predator was convicted of abusing two minors, including [REDACTED].

See Exhibit B.

This characterization of the sexual abuse of a child, using it as evidence of the child’s bad character, and painting that child as the liar and predator is exactly why the Defendants have

³ Jane Doe’s name was redacted and protected by the Florida criminal court because she was a minor victim of sexual abuse. But if you know the Defendants’ name you could easily find the criminal documents. Mr. McBride admits to knowing his name. *See Tate Strikes BACK!, supra* note 1 at 53:05-53:13.

⁴ *See Tate Strikes BACK!, supra* note 1 at 53:17 – 53:52.

⁵ *See Tate Strikes BACK!, supra* note 1 at 54:08 -55:24.

sought pseudonymity and protection from this Court. There is nothing more private, or intimate, than details of child sexual abuse, yet Plaintiffs treat it salaciously and proffer it as evidence of guilt.

Similarly, the allegations of sexual assault and sex trafficking central to this case are exactly the kind of private, and intimate information the Eleventh Circuit in *Plaintiff v. Francis* found was deserving of protection. 631 F.3d 1310, 1317 (11th Cir. 2011). Furthermore, the intimacy of the information the Plaintiffs have included in their complaint, along with the disrespectful, hostile, and salacious characterization of this and other sensitive information by Plaintiffs, make the need for protection even more pronounced. For example, in the Plaintiffs' opposition to the Motion for Pseudonym, filed yesterday, the Plaintiffs allege for the first time that Jane Doe is a "porn star," [DE 39 at 14,18], and do not even attempt to cite any evidence for this highly salacious, false, and prejudicial claim⁶.

Additionally, Mr. McBride's statements on the podcast appear to violate Local Rule 77.2. Paragraph (g) of the Rule states:

A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will interfere with a fair trial and which relates to:

- (1) Evidence regarding the occurrence or transaction involved.
- (2) The character, credibility, or criminal record of a party, witness, or prospective witness.
- (3) The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.
- (4) The lawyer's opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.

⁶ Defendants do not believe any of the arguments Plaintiffs made in their Response in Opposition have merit, but in the interests of time and the sensitivity of the issues we thought it best to provide a short reply, advising the Court of the extrajudicial statements by counsel. If the Court would like additional briefing, we would be happy to address the response further.

(5) Any other matter reasonably likely to interfere with a fair trial of the action.

Mr. McBride's comments clearly attack [REDACTED]'s character and credibility. Absent protection action from this Court, there is every reason to believe the extrajudicial attacks on the Defendants' character will continue.

At the end of the Fresh and Fit podcast, after suggesting that [REDACTED] should be criminally prosecuted,⁷ Mr. McBride said, "or in the alternative, she could just tell the truth . . . and **the whole thing this just stops.**"⁸ (emphasis added). The Plaintiffs have filed this case in bad faith to intimidate the witnesses in their criminal case in Romania. Part of this effort is using this present case to publish highly sensitive and private sexual information, including information regarding child sexual abuse, to humiliate and harass them. Accordingly, Defendants respectfully request this Court grant their Motion for leave to proceed pseudonymously throughout this litigation and thereafter.

Date: September 15, 2023

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⁷ See *Tate Strikes BACK!*, *supra* note 1 at 1:13:32 – 1:15:36 and 1:18:00 – 1:20:31.

⁸ See *Tate Strikes BACK!*, *supra* note 1 at 1:21:26 -1:21:47.

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Certificate of Service

I hereby certify that on September 15, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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